

This Consent Decree does not constitute an admission by The Knoxville Zoo of the allegations in the Complaint. The Knoxville Zoo maintains that it is and always has been a fair and equal opportunity employer, that the actions of its officials were proper and lawful in every regard, and admits no liability or any

violation of the ADEA. The parties to this action enter into this Consent Decree because of their mutual desire to avoid the additional expense and consumption of time in the litigation of this case. The Commission and The Knoxville Zoo, therefore, have agreed to this Consent Decree to settle all of the claims involved in this lawsuit.

In the event this Consent Decree is not approved or does not become final, it shall not be admissible in evidence in any subsequent proceeding in this action.

The Court has reviewed the terms of this Consent Decree in light of the applicable laws and regulations, the representations of counsel for all parties, and hereby approves the Consent Decree.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Eastern District of Tennessee, Northern Division, has jurisdiction over the parties and the subject matter of this litigation and will retain jurisdiction over this Decree for the purposes of enforcement and dispute resolution.

II. SCOPE OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's complaint in this case, Civil Action No. 3:07-CV-0375, and Charge No. 494-2006-03108 filed by Mildred Murphy, both alleging age discrimination in employment. This Consent Decree shall not be considered in any manner to be dispositive of any other charge which is or may be pending before any office of the Commission other than Charge No. 494-2006-03108.

B. The provisions of this Consent Decree shall be effective and binding upon the parties to this action until January 1, 2011.

III. AFFIRMATION OF NONDISCRIMINATION

A. The Knoxville Zoo, including its managers, supervisory employees, officers, successors, and agents, shall not discriminate with respect to hiring, termination, compensation, or any other terms, conditions, or privileges of employment because such individual's age is over 40.

B. The Knoxville Zoo, including its managers, supervisory employees, officers, successors, and agents, shall abide by the provisions of the ADEA, including its retaliation provision.

C. The Knoxville Zoo affirms that it continually abides by all provisions of the ADEA and admits no liability or any violation of the ADEA.

IV. INDIVIDUAL RELIEF

A. In full settlement of this case, The Knoxville Zoo has agreed to pay the Estate of Mildred Murphy a total sum of \$16,000.00. The Knoxville Zoo will issue a check payable to the Estate of Mildred Murphy within 14 days of entry of the Decree. The Knoxville Zoo will mail the check to the following address:

Estate of Mildred Murphy
c/o Howard G. Hogan, Clerk and Master
Chancery & Probate Court
City-County Bldg. Suite 125
400 W. Main Street
Knoxville, TN 37902

B. The Knoxville Zoo will also mail a copy of the check to:

Faye A. Williams, Regional Attorney
c/o Sally Ramsey, Senior Trial Attorney
Equal Employment Opportunity Commission

50 Vantage Way, Suite 202
Nashville, TN 37228 -9940

V. TRAINING

Within 90 days of entry of this decree, The Knoxville Zoo will provide training to employees including managers, supervisors, and other individuals involved in hiring and termination decisions. The training will cover the ADEA and the prevention of age discrimination in the workplace. The training will be conducted by the Human Resource Director or someone with equal or greater qualifications.

The Knoxville Zoo will provide the Commission, c/o Sally Ramsey, Senior Trial Attorney, at the address set forth above, a syllabus of the training, the date(s) presented, and the Curriculum Vita of the presenter.

VI. REPORTING

A. Within 30 days of the training session referred to in Section V. above, The Knoxville Zoo will provide a report to Sally Ramsey, Senior Trial Attorney, at the address set forth above. The report will contain the date(s) of the training and the sign-in sheet(s), including the printed names and signatures of those in attendance.

B. The Knoxville Zoo will report any formal complaints of age discrimination, if any, received during the term of this Decree. Such report will include the basis and issue of the complaint, and its resolution. If no such complaints are received, the report shall read, "None." The Knoxville Zoo will send this report to Sally Ramsey, Senior Trial Attorney, at the address above set forth, within 14 days of the expiration of this Decree.

VII. NOTICE

Within 14 days of the entry of this Decree, The Knoxville Zoo will post

conspicuously the updated notice (poster) which the Commission will provide to counsel for The Knoxville Zoo and which is required by the Commission and federal law.

VIII. NON-PROFIT STATUS

The Knoxville Zoo is a non-profit organization, established under the Tennessee Nonprofit Corporations Act (T.C.A. 48-51-101). It cannot be bought or sold in the general course of business.

IX. ENFORCEMENT

The Commission may take no action against The Knoxville Zoo to enforce the obligations under the Decree without at least 14 days notice to The Knoxville Zoo of any perceived deficiency. The Commission is obligated to make good faith efforts to reach agreement with The Knoxville Zoo regarding resolution. Only if the parties are unable to reach agreement regarding resolution may the Commission have the option of petitioning the Court for relief.

X. COSTS

Each of the parties shall bear its own costs and attorneys fees.

IT IS SO ORDERED THIS 13th DAY OF AUGUST 2010.



THOMAS W. PHILLIPS
U.S. District Court Judge

FOR THE KNOXVILLE ZOO:

s/J. Steven Collins w/ permission by SR

J. STEVEN COLLINS

TN Bar No. 012030

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FOR THE COMMISSION:

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JAMES LEE

Deputy General Counsel

GWENDOLYN YOUNG REAMS

Associate General Counsel

s/Faye A. Williams w/permission by SR

FAYE A. WILLIAMS

Regional Attorney

TN Bar No. 011730

s/Deidre Smith w/permission by SR

DEIDRE SMITH

Supervisory Trial Attorney

TN Bar No. 018499

Equal Employment Opportunity
Commission

1407 Union Ave., Ste. 901

Memphis, TN 38104

(901) 544-0136

s/Sally Ramsey

SALLY RAMSEY

Senior Trial Attorney

TN Bar No. 018859

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